



CabinetOffice

**Government Response to the Public
Consultation on the Revised Guidance on**

**The Introduction to *Emergency Preparedness*
under the Civil Contingencies Act 2004**

Introduction

1. *Emergency Preparedness* is the statutory guidance relating to Part I of the Civil Contingencies Act 2004 and its supporting regulations. As part of the Civil Contingencies Act Enhancement Programme (CCAEP) the guidance is being updated to introduce greater clarity and to reflect new practices and arrangements. These changes are aimed at better supporting responders to fulfil their duties under the Act.
2. Chapter 1 has been revised to: incorporate elements of the former Chapter 16, The Role of the Minister that have not been merged into the new chapter: 13 – Performance Development; to ensure information provided is in line with the new policy on localism and decentralisation; and to clarify the guidance on the role of the Police Service of Northern Ireland.
3. The consultation, which ran from Monday 31 October 2011 to Friday 23 December 2011, was announced on the CCS Gateway and made available on the Cabinet Office UK resilience website and the National Resilience Extranet. 18 of the 27 respondents who responded to the consultation expressed an opinion on this chapter.

Table 1: Responses to the consultation by CCA category

CCA Category	Class	Number
Category 1 responders	Environment Agency	0
	Maritime and Coastguard Agency	0
	Fire and Rescue Services	3
	Local Authority	5
	NHS	0
	Police Forces	2
	Other	1
Category 2 responders	Transport organisations	2
Other	Associations	4
	Voluntary organisations	0
	Individual	1
	Regulators	0
	Local Resilience Forums	0

The detailed list of respondents is shown at Annex A.

Table 2: Responses to the Consultation

No.	Question	Yes %	No %	No opinion/Don't Know %
1	Does the amended guidance adequately explain the scope and format of Emergency Preparedness?	94.4	0.0	5.6
2	Is the inclusion of expanded text on the role of the Minister useful in this chapter?	72.2	22.2	5.6
3	Does the amended chapter adequately explain the role of the Minister?	50.0	33.3	16.7
4	Does the amended chapter adequately summarise how the requirements of the Act and the regulations may be carried out?	66.7	16.7	16.7

Summary

Does the amended guidance adequately explain the scope and format of Emergency Preparedness?

- 94 per cent of respondents answered yes to this question, and the remaining 6 per cent indicated that they had no opinion.

Is the inclusion of expanded text on the role of the Minister useful in this chapter?

- The majority of respondents (72 per cent) indicated that the inclusion of the expanded text on the role of the minister was useful in this chapter (Introduction), 22 percent of respondents answered 'no' and 6 percent had 'no opinion'.
- The comments received to this question were quite mixed and where respondents made specific points these are addressed within the Detailed Responses section of this report.

Does the amended chapter adequately explain the role of the Minister?

- Half of respondents agreed that the amended Chapter 1 adequately explained the role of the minister; a third (33.3 per cent) were not content with the amendments; and 17 per cent did not know or had no opinion.

Does the amended chapter adequately summarise how the requirements of the Act and the regulations may be carried out?

- Of the 18 respondents who answered this question 67 per cent responded 'yes'. 17 per cent indicated that the amended chapters did not adequately

summarise how the requirements of the Act and regulations may be carried out and 17 per cent did not know or had no opinion.

Is there any further information you would like to see included in this chapter?

- 44 percent of those who responded to this question wanted to see further information included in this chapter. Comments received regarding this question are explored further below.
- 39 per cent of respondents indicated that they were content with the amount of information provided within the chapter.
- The remaining 17 per cent of respondents had no opinion.

Detailed Responses

Is the inclusion of expanded text on the role of the Minister useful in this chapter?

The decision has been made to include information on the role of the Minister within Chapter 1 – Introduction, to summarise the Ministers key roles in emergency preparedness which is referenced throughout the statutory guidance *Emergency Preparedness*.

There were mixed comments received about whether the inclusion of the expanded text on the role of the Minister was useful within this chapter. Some respondents felt that the balance was right and that all necessary information was included. Whilst others felt that there was too much information included within the chapter on the role of the Minister or that there wasn't enough information included on this subject.

A concern was raised about how the Minister would know whether Category 1 and 2 responders were performing their duties if there was no monitoring. There has been a move away from monitoring and enforcement in light of the introduction of Localism and the Big Society as well as the abolition of national targets which were introduced, among other things, to encourage responders to work together and have more control over the manner in which they fulfil their duties. This flexibility extends to the monitoring of whether duties are being performed as set out in the Act and regulations.

A recurring query within the responses to the consultation was about whether the Minister of the Crown referred to a particular Minister depending on the emergency or could any Minister be involved. The chapter has been amended to clarify this.

Does the amended chapter adequately explain the role of the Minister?

A respondent asked what the Minister's role was within communities. Strategic leadership is delivered at local level and guidance from government is designed to support communities. More information on the role of the minister in crisis response is given in the non statutory guidance *Emergency Response and Recovery*.

A respondent asked transparency and openness with regard to the Ministers role. Government is committed to openness. Any direction from a Minister will be made in writing and the Minister will be accountable in the usual way (See Chapter 13 for more information).

There was some confusion as to who would have powers during an incident. The Act stipulates that only a Minister of the Crown can issue new regulations or make an order or issue a direction.

Does the amended chapter adequately summarise how the requirements of the Act and the regulations may be carried out?

A respondent indicated that there were good links to other statutory requirements such as Control of Major Accidental Hazards (COMAH), Radiation (Emergency Preparedness and Public Information) Regulations (REPPPIR) and Pipeline Regulations.

A reference was made by a respondent to the document '*Keeping the Country Running – Natural Hazards and Infrastructure*' and it was suggested that a link should be provided within Chapter 1. As there are so many relevant documents available for responders it would be misleading to make reference to some but not others. Therefore, a link will be provided within the *Further Reading Chapter* of the *Emergency Preparedness* guidance, however it will not be referenced to within this Chapter.

Finally a respondent questioned whether the distinction between Category 1 and 2 responders as outlined in Act had been reviewed. Project 9 of the Civil Contingencies Act Enhancement Programme (CCAEP) had looked specifically at reviewing responders and responder categories. It did not recommend any changes.

Is there any further information you would like to see included in this chapter?

A respondent asked for further clarification on paragraph 1.43 of Chapter 1 i.e. whether the amendments to the Schedule of Respondents would be permanent. Changes could be amended by further legislative action.

Further comments were received regarding the layout of the Chapter and wording used. All comments received were reviewed and where appropriate amendments have been made within the Chapter.

ANNEX A

List of Respondents

Merseyside Fire and Rescue Service

South Yorkshire Police

Transport for London

Gateshead Council

Lancashire County Council

North Yorkshire County Council and on behalf of City of York Council

Newcastle City Council

East Sussex Fire & Rescue Service

Civil Contingencies Advisors Ltd

North Wales Fire and Rescue Service

Emergency Planning Society - West Midlands Branch/ Professional society for emergency planners

Central Bedfordshire Council

Cleveland Emergency Planning Unit and LRF Manager (Employing Authority - Hartlepool)

Unknown Category 1 Responder

Institute of Civil Protection and Emergency Management (ICPEM)/ Association of emergency managers

East Staffordshire Borough Council/ Professional society representing Emergency Planners

Cumbria Constabulary

Network Rail